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5 Attorney for Plaintiffs  
Automattic Inc. and  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 AUTOMATTIC INC. and  
12 OLIVER HOTHAM,

13 Plaintiffs,  
14 v.  
15 NICK STEINER,  
16 Defendant.

Case No. 3:13-cv-5413-JCS

**DECLARATION OF JOSEPH C. GRATZ IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
DEFAULT JUDGMENT AGAINST NICK  
STEINER**

Date: June 27, 2014  
Time: 10:30 am  
Ctrm: G - 15th Floor  
Judge: Honorable Joseph C. Spero

1 I, Joseph C. Gratz, declare as follows:

2 1. I am a partner with the law firm of Durie Tangri LLP, and I am one of the attorneys  
 3 representing Automatic Inc. in this matter. I have personal knowledge of the facts set forth herein, and if  
 4 called upon to testify, I could and would testify competently and completely to the statements made  
 5 herein.

6 2. Automatic retained my firm as counsel in this matter on September 5, 2013. Oliver  
 7 Hotham retained my firm as counsel in this matter on September 26, 2013.

8 3. So far, three attorneys at my firm have worked on this matter: myself, Michael Page, and  
 9 Michael Feldman.

10 4. I graduated from the University of Minnesota Law School in 2005 and have practiced in  
 11 intellectual property litigation since that time. On this matter, I have billed my time at between \$490 and  
 12 \$540 per hour.

13 5. Michael Page graduated from Boalt Hall, University of California, Berkeley Law School  
 14 in 1991. He is a partner at Durie Tangri practicing intellectual property and privacy litigation. He is also  
 15 a member of the San Francisco Bay Area Intellectual Property Inns of Court. On this matter, he has  
 16 billed his time at \$680 per hour.

17 6. Michael Feldman graduated from Stanford Law School in 2011. He is an associate at  
 18 Durie Tangri. He has billed his time on this matter at \$350 per hour.

19 7. Automatic has paid the costs and attorneys' fees in this matter and requests that the Court  
 20 award these costs and attorneys' fees as provided in 17 U.S.C. § 512(f). In my experience and my  
 21 familiarity with the prevailing rates that attorneys of similar experience and expertise charge for similar  
 22 matters, I believe that the fees and costs in this case are both reasonable and appropriate.

23 8. The following chart sets out the major tasks we have performed, the approximate number  
 24 of hours, and the total fees:

<u>Task</u>	<u>Hours</u>	<u>Fees</u>
Investigating the case prior to beginning to draft the complaint.	2.1	\$1,029
Researching and drafting the complaint and supporting documents, including foreign service of process.	10.9	\$5,455

<u>Task</u>	<u>Hours</u>	<u>Fees</u>
Preparing motion to relate cases and appearing for the case management conference	5.2	\$2,605
Researching and drafting motion for default and motion for default judgment including supporting documents.	15.4	\$5,431
	<b><u>TOTAL:</u></b>	<b>\$14,520</b>

9. Attached as Exhibit A is a true and correct copy of the WordPress.com terms of service.

10. Attached as Exhibit B is a true and correct copy of Steiner's first DMCA takedown notice and the correspondence between Steiner and Automattic that followed.

11. Attached as Exhibit C is a true and correct copy of Steiner's second DMCA takedown notice and the correspondence between Steiner and Automattic that followed.

12. Attached as Exhibit D is a true and correct copy of Steiner's third DMCA takedown notice and the correspondence between Steiner and Automattic that followed.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed on May 22, 2014 in San Francisco, California.

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15 /s/ Joseph C. Gratz  
16 JOSEPH C. GRATZ  
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